

AFFIDAVIT OF SERVICE

Case: 1:23-cv-01384-GBW	Court: District Court	County: New Castle, DE	Job: 10067591
Plaintiff / Petitioner: NO LABELS		Defendant / Respondent: NOLABELS.COM INC.	
Received by: DLS Discovery		For: Halloran Farkas& Kittila LLP	
To be served upon: Nolabels.com Inc. c/o The Corporation Trust Company			

I, Ian Platz, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name / Address: Nadia Bellamy, 1209 North Orange Street, Wilmington, DE 19801

Manner of Service: Registered Agent, Dec 11, 2023, 1:17 pm EST

Documents: Oral Order, Cover Letter

Additional Comments:

1) Successful Attempt: Dec 11, 2023, 1:17 pm EST at 1209 North Orange Street, Wilmington, DE 19801 received by Nadia Bellamy.

Ian Platz

Dec 11, 2023

Date

DLS Discovery
824 N. Market Street Suite 108
Wilmington, DE 19801

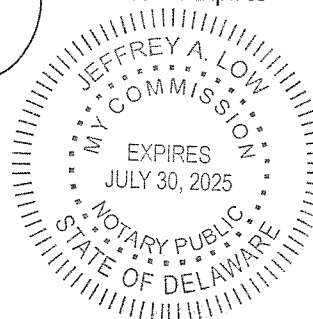
Subscribed and sworn to before me by the affiant who is personally known to me.

Notary Public

Dec 11, 2023

Date

Commission Expires





Theodore A. Kittila
Halloran Farkas + Kittila LLP
5801 Kennett Pike, Suite C/D
Wilmington, Delaware 19807
Phone: (302) 257-2025
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December 11, 2023

By Hand Delivery

Nolabels.com Inc.
c/o The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, Delaware 19801

**Re: *No Labels v. NoLabels.com Inc.*,
Case No. 1:23-cv-01384-GBW**

Dear Sir or Madam:

Enclosed, please find Oral Order (D.I. 18) that was entered by the Honorable Gregory B. Williams in the United States District Court for the District of Delaware in the above-referenced matter. A hearing has been scheduled on Plaintiff No Labels Motion for Temporary Restraining Order and/or Motion for Preliminary Injunction (D.I. 3) (the “Motion”) for Friday, December 15, 2023, at 10:30 a.m. in Wilmington, Delaware, Courtroom 6B at the Federal Courthouse. Your response to the Motion is due with the Court by Thursday, December 14, 2023, at 10:30 a.m. Please review the enclosed order for complete details.

Very truly yours,

/s/ Theodore A. Kittila (DE Bar No. 3963)

Theodore A. Kittila, Attorney at Law
Halloran Farkas + Kittila LLP

Counsel for Plaintiff

Enclosure – Oral Order (D.I. 18)

From: ded_nefreply@ded.uscourts.gov
To: ded_ecf@ded.uscourts.gov
Subject: Activity in Case 1:23-cv-01384-GBW No Labels v. NoLabels.com Inc. Order
Date: Monday, December 11, 2023 11:54:36 AM

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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U.S. District Court

District of Delaware

Notice of Electronic Filing

The following transaction was entered on 12/11/2023 at 11:53 AM EST and filed on 12/11/2023

Case Name: No Labels v. NoLabels.com Inc.

Case Number: [1:23-cv-01384-GBW](#)

Filer:

Document Number: 18(No document attached)

Docket Text:

ORAL ORDER: IT IS HEREBY ORDERED that this Court shall hold a hearing on Plaintiff's Motion for Temporary Restraining Order and/or Motion for Preliminary Injunction, D.I. 3, on Friday, December 15, 2023, at 10:30 am, in Courtroom 6B. **IT IS FURTHER ORDERED** that Plaintiff shall serve a copy of this Oral Order on Defendant on or before Tuesday, December 12, 2023, at 10:30 am. Plaintiff shall file with the Court a proof of service evidencing that service of this Oral Order was made on Defendant on or before Tuesday, December 12, 2023, at 10:30 am. **IT IS FURTHER ORDERED** that Defendant shall file any response in opposition to Plaintiff's Motion for Temporary Restraining Order and/or Motion for Preliminary Injunction on or before Thursday, December 14, 2023, at 10:30 am. **IT IS ALSO ORDERED** that Plaintiff's Motion to Expedite Discovery, (D.I. 14), is **DENIED**. The Court has analyzed Plaintiff's request under the test set forth in *Notaro v. Koch*, 95 F.R.D. 403 (S.D.N.Y. 1982) as well as a the "reasonableness" test. *Park Lawn Corp. v. PlotBox, Inc.*, C.A. No. 20-1484-RGA, 2021 WL 3490020, at *1 (D. Del. Aug. 9, 2021). Plaintiff fails to show that expedited discovery is warranted under either standard. Under the *Notaro* standard, the moving party must demonstrate "(1) irreparable injury, (2) some probability of success on the merits, (3) some connection between the expedited discovery and the avoidance of the irreparable injury, and (4) some evidence that the injury that will result without expedited discovery looms

greater than the injury that the defendant will suffer if the expedited relief is granted." Notaro, 95 F.R.D. at 405. Here, Plaintiff has not shown a connection between the expedited discovery into the identity of the individual(s) that make up Defendant's corporation and the avoidance of irreparable injury. Also, Plaintiff seeks a broad scope of Rule 26 discovery on an expedited basis without explaining how it is related to potential injury. Under the reasonableness test, the Court must weigh "(1) the timing and context of the discovery requests, including whether a preliminary injunction hearing has been scheduled; (2) the scope and purpose of the requests; and (3) the nature of the burden to the respondent." Kone Corp. v. ThyssenKrupp USA, Inc., 2011 WL 4478477, at *4 (D. Del. Sept. 26, 2011). Again, Plaintiff's requested expedited discovery is overly broad and the Court fails to see the necessity of such broad expedited discovery at this time as it relates to the pending Motion for Temporary Restraining Order/Preliminary Injunction, given the Court can grant or deny the motion without such information. Park Lawn, 2021 WL 3490020, at *2. ORDERED by Judge Gregory B. Williams on 12/11/23. (ntl)

1:23-cv-01384-GBW Notice has been electronically mailed to:

Theodore Allan Kittila tk@hfk.law, cp@hfk.law

William Edward Green, Jr wg@hfk.law

1:23-cv-01384-GBW Filer will deliver document by other means to: